

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE SUBPOENA DIRECTED TO)
EPSILON INVESTMENT MANAGEMENT) NO. _____
L.L.C.)

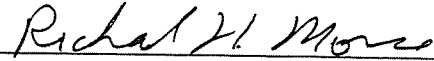
MOTION TO QUASH SUBPOENA OR, IN THE ALTERNATIVE,
FOR A PROTECTIVE ORDER

Epsilon Investment Management LLC (“Epsilon”) hereby moves pursuant to Fed. R. Civ.P. 45(c)(3)(A) (ii) for an order quashing a subpoena that commands Epsilon to appear for deposition on May 17, 2006 in Wilmington, Delaware. In the alternative, Epsilon moves pursuant to the Fed. R. Civ. P. 26(c) for a protective order preventing the 30(b)(6) deposition from going forward until service of a subpoena issued by the District Court for the Southern District of Florida is made in accordance with Fed. R. Civ. P. 45, Epsilon and the defendants agree upon, or the court orders, a limitation on the subject matter of the deposition, and the District Court for the Southern District of Florida enters an appropriate order to preserve the confidentiality of Epsilon’s information.

The grounds for this motion are set forth in Epsilon’s Opening Brief in Support of Motion to Quash or, In the Alternative, for a Protective Order.

Counsel discussed the subject matter of this motion by telephone on May 11 and May 12, 2006, but were unable to reach agreement.

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Dated: May 15, 2006

CERTIFICATE OF SERVICE

I, Seth Reidenberg, hereby certify that on May 15, 2006 a copy of the foregoing document was caused to be filed and served pursuant to the District Court rules regarding filing procedures upon the following counsel of record:

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